

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL CASE NO. 3:24-cv-00725-MR**

<b>DAYSHAWN BECKHAM,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>GARRY L. MCFADDEN, et al.,</b>	)	<b><u>ORDER</u></b>
	)	
<b>Respondents.</b>	)	
_____	)	

**THIS MATTER** is before the Court on the Petitioner’s “Habeas Corpus Complaint or Writ” [Doc. 1]. The Petitioner has moved to proceed *in forma pauperis*. [Doc. 2].

The pro se Petitioner is a pretrial detainee on charges including first-degree murder in Mecklenburg County Superior Court. In his unsigned Petition, he contends that he has been held on these charges since February 19, 2020 without a speedy trial in violation of his Fifth, Sixth, and Fourteenth Amendment rights.

The Petition is liberally construed as a Petition pursuant to 28 U.S.C. § 2241. See generally United States v. Tootle, 65 F.3d 381, 383 (4th Cir. 1995). The Petition is deficient and cannot proceed at this time. It is not on the required form; it is not verified (signed under penalty of perjury); and it

does not clearly set forth, *inter alia*, the grounds for relief, the supporting facts, and the relief that the Petitioner seeks. See 28 U.S.C. §§ 2241, 1746.

The Petitioner shall have thirty (30) days in which to file a superseding verified Amended § 2241 Petition that corrects deficiencies, subject to all applicable timeliness and procedural requirements. See generally 28 U.S.C. § 2255(f), (h); Mayle v. Felix, 545 U.S. 644 (2005) (discussing relation back). The Amended § 2241 Petition will supersede and replace the original § 2241 Petition so that any claims not included in the Amended § 2241 Petition will be waived. See. Young v. City of Mount Ranier, 238 F.3d 567, 573 (4<sup>th</sup> Cir. 2001). Piecemeal amendment will not be permitted. Failure to comply with this Order will result in the dismissal of this action and closure of this case without further notice.

Upon consideration of the Petitioner's Application, the incarcerated Petitioner's Motion to proceed in forma pauperis is granted.

**IT IS, THEREFORE, ORDERED** that the Petitioner's Application to Proceed in District Court Without Prepaying Fees or Costs [Doc. 2] is **GRANTED**.

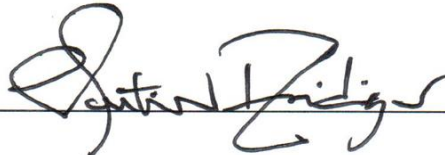
**IT IS FURTHER ORDERED** that the Petitioner shall have **thirty (30) days** in which to file a superseding Amended § 2241 Petition in accordance

with this Order. Should Petitioner fail to comply with this Order, this action will be dismissed and closed without further notice.

The Clerk is respectfully instructed to mail the Petitioner a blank § 2241 form and a copy of this Order.

**IT IS SO ORDERED.**

Signed: August 8, 2024

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger  
Chief United States District Judge

